

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES LEE LOCKE,	)	
	)	
Petitioner,	)	Civil Action No. 11-66J
	)	Judge Gibson
v.	)	Magistrate Judge Eddy
	)	
DEBRA K. SAUERS, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

James Lee Locke ("Petitioner") is a state inmate currently incarcerated at the State Correctional Institution at Forest ("SCI-Forest"), in Marienville, Pennsylvania. On March 10, 2011, this Court received the instant petition for writ of habeas corpus, and attached motion for leave to proceed *in forma pauperis*. (Doc. 1). Petitioner was granted leave to proceed IFP, and the petition was filed, on the following day. (Doc. 2)

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. On October 17, 2011, the magistrate judge issued a report and recommendation recommending that this case be dismissed, as Petitioner's claims clearly were procedurally defaulted in state court. (Doc. 10 at 11). The magistrate judge further recommended that Petitioner's motion to amend (Doc. 7) be denied as futile, and that a certificate of appealability, see (Doc. 9), be denied. (Doc. 10 at 11). A copy of the report was mailed to Petitioner's address of record, and Petitioner was given until October 31, 2011, to file objections. As of the date of this writing, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 10), the following ORDER is entered:

AND NOW, this 1<sup>st</sup> day of November, 2011,

IT IS HEREBY ORDERED that Petitioner's petition for writ of habeas corpus (Doc. 3) is  
DISMISSED.

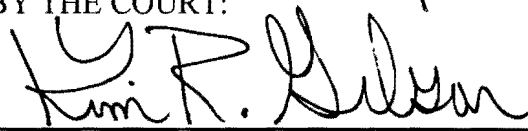
IT IS FURTHER ORDERED that Petitioner's motion to amend (Doc. 7) is DENIED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation of  
October 13, 2011 (Doc. 10), is adopted as the opinion of this Court.

IT IS FURTHER ORDERED that Petitioner's remaining pending motions (Docs. 5 and  
8) are DENIED as MOOT.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON  
UNITED STATES DISTRICT JUDGE

cc:  
**JAMES LEE LOCKE**  
JA-5305  
SCI Forest  
P.O. Box 945  
Marienville, PA 16239-0945